

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**

KEITH SEWARD

(b) County of Residence of First Listed Plaintiff Darby Township  
(EXCEPT IN U.S. PLAINTIFF CASES)(c) Attorneys (Firm Name, Address, and Telephone Number)  
Olugbenga O. Abiona, Esq.; 215-625-0330  
P.O. Box 3326, Cherry Hill, NJ 08034**DEFENDANTS**

SEPTA

County of Residence of First Listed Defendant Philadelphia  
(IN U.S. PLAINTIFF CASES ONLY)NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF  
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- |  |   |
|--|---|
| <input type="checkbox"/> 1 U.S. Government Plaintiff | <input checked="" type="checkbox"/> 3 Federal Question<br>(U.S. Government Not a Party) |
| <input type="checkbox"/> 2 U.S. Government Defendant | <input type="checkbox"/> 4 Diversity<br>(Indicate Citizenship of Parties in Item III)   |

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)  
(For Diversity Cases Only)

PTF	DEF	PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	<b>PERSONAL INJURY</b>	<b>PERSONAL INJURY</b>	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 375 False Claims Act
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 376 Qui Tam (31 USC 3729(a))
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 367 Health Care/ Pharmaceutical Personal Injury Product Liability	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability		<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 370 Other Fraud		<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 371 Truth in Lending		<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans)	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 380 Other Personal Property Damage		<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 385 Property Damage Product Liability		<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability			<input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692)
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 360 Other Personal Injury			<input type="checkbox"/> 485 Telephone Consumer Protection Act
<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 362 Personal Injury - Medical Malpractice			<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 196 Franchise				<input type="checkbox"/> 850 Securities/Commodities Exchange
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS		
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 440 Other Civil Rights	<b>Habeas Corpus:</b>	<input type="checkbox"/> 791 Employee Retirement Income Security Act	<input type="checkbox"/> 890 Other Statutory Actions
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 463 Alien Detainee		<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input checked="" type="checkbox"/> 442 Employment	<input type="checkbox"/> 510 Motions to Vacate Sentence		<input type="checkbox"/> 893 Environmental Matters
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 443 Housing/ Accommodations	<input type="checkbox"/> 530 General		<input type="checkbox"/> 895 Freedom of Information Act
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 445 Amer. w/Disabilities - Employment	<input type="checkbox"/> 535 Death Penalty		<input type="checkbox"/> 896 Arbitration
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 446 Amer. w/Disabilities - Other	<input type="checkbox"/> 540 Mandamus & Other		<input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision
	<input type="checkbox"/> 448 Education	<input type="checkbox"/> 550 Civil Rights		<input type="checkbox"/> 950 Constitutionality of State Statutes
		<input type="checkbox"/> 555 Prison Condition		
		<input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement		
			<b>IMMIGRATION</b>	
			<input type="checkbox"/> 462 Naturalization Application	
			<input type="checkbox"/> 465 Other Immigration Actions	

**V. ORIGIN** (Place an "X" in One Box Only)

- |   |   |  |   |  |  |   |
|---|---|--|---|--|--|---|
| <input checked="" type="checkbox"/> 1 Original Proceeding | <input type="checkbox"/> 2 Removed from State Court | <input type="checkbox"/> 3 Remanded from Appellate Court | <input type="checkbox"/> 4 Reinstated or Reopened | <input type="checkbox"/> 5 Transferred from Another District (specify) | <input type="checkbox"/> 6 Multidistrict Litigation - Transfer | <input type="checkbox"/> 8 Multidistrict Litigation - Direct File |
|---|---|--|---|--|--|---|

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Civil Rights Act, Title VII

Brief description of cause:  
Race discriminatory termination of employment**VI. CAUSE OF ACTION** CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND:  Yes  No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

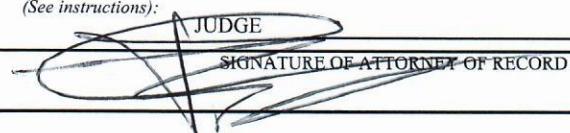
JUDGE

DOCKET NUMBER

DATE

March 8, 2021

FOR OFFICE USE ONLY



SIGNATURE OF ATTORNEY OF RECORD

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

**DESIGNATION FORM**

(to be used by counsel or pro se plaintiff to indicate the category of the case for the purpose of assignment to the appropriate calendar)

Address of Plaintiff: \_\_\_\_\_

**Darby, Pennsylvania**

Address of Defendant: \_\_\_\_\_

**1234 Markert Street, Philadelphia, PA**

Place of Accident, Incident or Transaction: \_\_\_\_\_

**Philadelphia, PA****RELATED CASE, IF ANY:**

Case Number: \_\_\_\_\_ Judge: \_\_\_\_\_ Date Terminated: \_\_\_\_\_

Civil cases are deemed related when **Yes** is answered to any of the following questions:

- |  |                              |  |
|--|------------------------------|--|
| 1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?  | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?            | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action of this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?  | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |

I certify that, to my knowledge, the within case  is /  is not related to any case now pending or within one year previously terminated action in this court except as noted above.DATE: **03/07/2021****57026**

Attorney-at-Law / Pro Se Plaintiff

Attorney I.D. # (if applicable)

**CIVIL: (Place a ✓ in one category only)****A. Federal Question Cases:**

- 1. Indemnity Contract, Marine Contract, and All Other Contracts
  - 2. FELA
  - 3. Jones Act-Personal Injury
  - 4. Antitrust
  - 5. Patent
  - 6. Labor-Management Relations
  - 7. Civil Rights
  - 8. Habeas Corpus
  - 9. Securities Act(s) Cases
  - 10. Social Security Review Cases
  - 11. All other Federal Question Cases
- (Please specify): \_\_\_\_\_

**B. Diversity Jurisdiction Cases:**

- 1. Insurance Contract and Other Contracts
- 2. Airplane Personal Injury
- 3. Assault, Defamation
- 4. Marine Personal Injury
- 5. Motor Vehicle Personal Injury
- 6. Other Personal Injury (Please specify): \_\_\_\_\_
- 7. Products Liability
- 8. Products Liability – Asbestos
- 9. All other Diversity Cases (Please specify): \_\_\_\_\_

**ARBITRATION CERTIFICATION**

(The effect of this certification is to remove the case from eligibility for arbitration.)

I, **Olugbenga O. Abiona, Esquire**, counsel of record or pro se plaintiff, do hereby certify:

Pursuant to Local Civil Rule 53.2, § 3(c) (2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs:

Relief other than monetary damages is sought.

DATE: **03/07/2021****57026**

Attorney-at-Law / Pro Se Plaintiff

Attorney I.D. # (if applicable)

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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	CIVIL ACTION No.
KEITH SEWARD	:
Plaintiff,	:
vs.	:
SEPTA	:
Defendant	:

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**COMPLAINT AND JURY DEMAND**

**I. INTRODUCTION**

1. Plaintiff in the above captioned matter, claims a sum in excess of One Hundred Thousand Dollars (\$100,000.00) in damages and upon his cause of action, avers as follows:
2. This action for monetary damages and other appropriate relief is brought by Plaintiff to redress violations by Defendant Southeastern Pennsylvania Transportation Authority (hereinafter "SEPTA"), rights secured to Plaintiff by the laws of the United States of America.
3. This action arises under the Civil Rights Act 42 U.S.C. §2000e-1, et seq., Title VII, and the Pennsylvania Human Relations Act, which prohibit race discriminatory practices by Defendant against its black employees.

**II. JURISDICTION, VENUE AND PARTIES**

4. The jurisdiction of this Court is invoked pursuant to Title 28 U.S.C. 1331, which provides for the original jurisdiction of Plaintiff's claims arising under the laws of the United States of America. Prior to filing this lawsuit, Plaintiff filed a Charge of Discrimination with the EEOC, and on February 4, 2021, the United States Department of Justice issued Plaintiff a right to sue notice to take his claims to court. See Exhibit Attached.

5. The venue of this Court is proper pursuant to the dictates of Title 28 U.S.C. 1391(c).

6. Plaintiff, Keith Seward, is an adult individual, residing within Darby Township, Pennsylvania and belongs to a protected class under the applicable statute. Plaintiff is an African-American male.

7. Defendant, SEPTA, is a municipal agency, with its offices located at 1234 Market Street, Philadelphia, PA 19107.

### **III. BRIEF STATEMENT OF FACTS**

8. Plaintiff started working for SEPTA as a Trolley Operator on October 11, 1989.

9. After about 30 years of employment, and several other promotions, Plaintiff was promoted to the position of Director, Railroad Services in June 2019.

10. On May 6, 2020, Plaintiff received a Notice of Charges/Reasons for Imminent Discharge from SEPTA, where in Plaintiff was charged with certain alleged infractions of SEPTA's Disciplinary Policy based on allegations that were not true and misconstrued facts.

11. SEPTA falsely alleged that Plaintiff had failed to disclose to SEPTA that his wife worked for a Contractor Plaintiff was assigned to oversee their work after he was promoted to the position of Director.

12. When Plaintiff was promoted to the position of Director in June 2019, Plaintiff voluntarily informed her immediate supervisor that his wife worked for a third-party contractor that he was now responsible for overseeing.

13. In August 2019, Plaintiff's Supervisor sent Plaintiff an email stating that it would not be a conflict of interest if neither Plaintiff's wife nor Plaintiff shared company or contractor's information. They did not.

14. Yet, in May 2020, Plaintiff was terminated for alleged violation of SEPTA's Ethics policy for the same reason Plaintiff had voluntarily disclosed to his supervisor in 2019 when he was promoted to the Director position.

15. Plaintiff did not violate SEPTA's ethics policy. Plaintiff voluntarily disclosed to SEPTA about his wife's employment with the third-party contractor he was supposed to oversee their work when Plaintiff was promoted to the position.

16. Plaintiff asserts that SEPTA's termination of his employment was extremely harsh and inconsistent with SEPTA's treatment of similarly situated Caucasian managerial employees like Plaintiff.

17. On May 15, 2020, before he was terminated by SEPTA, at a Determination Hearing by Chief Transportation Rail Officer, Jack Lauser, (Caucasian), Plaintiff provided Mr. Lauser with a list of other Caucasian managerial employees, including Daniel Monaghan and Dennis Zappone, who had engaged in worse conduct than those Plaintiff was alleged to have engaged in but were not discharged by SEPTA but given lesser discipline or the option to early retirement or long term administrative leaves and then allowed to retire so that they would not lose any retirement benefits.

18. Daniel Monaghan, a Caucasian employee, was arrested for fraud and bribery by the US Department of Justice, and for months while these charges were pending, SEPTA permitted Mr. Monaghan continue working and earning income; despite the fact that SEPTA's Office of Inspector General had gathered information confirming Mr. Monaghan's misconduct.

19. Mr. Monaghan later pleaded guilty in a criminal proceeding before the United States District Court in a situation where he was accused of bribery and violation of his duty of honest

services to SEPTA, by failing to disclose for over five years a conflict of interest and was unlawfully influenced by the certificates he received for purchasing items from a SEPTA vendor.

20. Despite this case being made public at the time and Mr. Monaghan being sentenced by this Court following his guilty plea, SEPTA did not terminate Mr. Monaghan for engaging in this admitted criminal conduct, but allowed him to retire in lieu of been terminated.

21. Another SEPTA Caucasian Director, Dennis Zappone, admitted to receiving bribe from a SEPTA contractor, Drummond, but was not discharged by SEPTA. SEPTA allowed Mr. Zappone to be demoted to an Assistant Director as a result of his involvement in this scheme in lieu of being terminated.

22. After this bribery incident, Mr. Zappone engaged in further violations of SEPTA's disciplinary policy where he told SEPTA he was sick and took months of sick time, while he was attending meetings at the Abington Township Board of Commissioners, on several occasions.

23. SEPTA's OIG obtained undisputed information that Mr. Zappone had been acting as a commissioner for Abington Township while out sick at SEPTA. SEPTA had obtained copies of videotapes of the Township meetings where Mr. Zappone was, in fact, present when he was supposed to be out sick at SEPTA.

24. Mr. Zappone was stealing SEPTA's time; a violation of SEPTA's disciplinary policy subject to immediate discharge.

25. Yet, SEPTA allowed Mr. Zappone to resign in lieu of him being terminated for violating SEPTA's sick pay policy, giving Mr. Zappone the employment opportunity to keep all his benefits upon retirement.

26. Vince Deluca, (Caucasian) was alleged to have been stealing SEPTA time by leaving work early, and going to the gym on company's time, but SEPTA did not terminate him for these violations, and instead allowed him to retire in lieu of termination.

27. James Leroux, (Caucasian) Director of IT Project Services, was alleged to have been stealing SEPTA's time, but SEPTA did not terminate him for these violations, and instead allowed him to retire in lieu of termination.

28. At the determination hearing with Chief Officer Lauser, Plaintiff asked SEPTA to give him the same equal employment opportunity provided to some of these Caucasian managerial employees and be allowed to go out on administrative leave and then allowed to retire when he was eligible, and not be terminated, so that he could keep his retirement benefits.

29. But SEPTA denied Plaintiff the equal employment opportunity given to these Caucasian employees.

30. On May 27, 2020, SEPTA terminated Plaintiff's employment.

31. Plaintiff asserts that he was subjected to race discriminatory termination of his employment by SEPTA in violation of Title VII and the PHRA.

IV

**STATEMENT OF CLAIM**

**COUNT ONE– Title VII VIOLATION-RACE DISCRIMINATION**

32. Plaintiff incorporates by reference all allegations alleged in paragraphs one (1) through thirty-one (31) above as if same were fully set forth at length herein.

33. The acts and conducts of SEPTA as stated above where Plaintiff was subjected to racial discriminatory employment practices is a violation of Title VII of the Civil Rights Act 42 U.S. C. Section 2000e-1, et seq.

34. As a direct result of said violation of the Civil Rights Act, Plaintiff has sustained loss of wages and earnings, loss of benefits, loss of future earning power, loss of back pay, front pay, and interest due therein as well as mental anguish, emotional distress, humiliation, and damages to reputation.

**COUNT TWO– PHRA VIOLATION-RACE DISCRIMINATION**

35. Plaintiff incorporates by reference all allegations alleged in paragraphs one (1) through thirty-four (34) above as if same were fully set forth at length herein.

36. The acts and conducts of SEPTA as stated above where Plaintiff was subjected to racial discriminatory employment practices is a violation of the Pennsylvania Human Relations Act.

37. As a direct result of said violation of the PHRA, Plaintiff has sustained loss of wages and earnings, loss of benefits, loss of future earning power, loss of back pay, front pay, and interest due therein as well as mental anguish, emotional distress, humiliation, and damages to reputation.

**PRAYER FOR RELIEF**

Wherefore, Plaintiff respectfully demands judgment against Defendant and request that this Honorable Court:

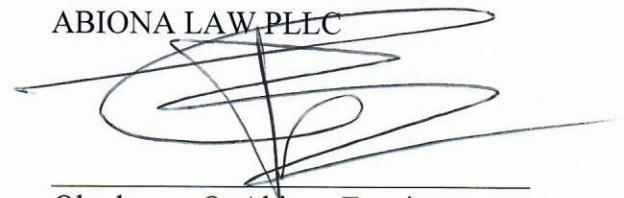
- A. Enter judgment against Defendant for back pay, front pay, loss of income, loss of benefits, pre and post judgment interests, costs of suit, compensatory damages, attorneys' fees and expert witness fees as permitted by law; and
- B. Award such other relief, as the Court may deem necessary and just, including but not limited to an Order to make whole.

**JURY TRIAL DEMAND**

Plaintiff demands a jury trial on all questions of fact raised by this Complaint.

Respectfully submitted,

ABIONA LAW PLLC



Olugbenga O. Abiona Esquire  
P. O. Box 3326  
Cherry Hill, NJ 08034  
(215) 625-0330  
Attorney ID. #57026  
Attorney for Plaintiff

Dated: March 8, 2021